

## **Amendments to The Food Stamp Act of 1964**

P.L. 91-671, 84 Stat. 2048-2052

Jan. 11, 1971

- Added legally adopted children and legally assigned foster children and non-related individuals over age 60 to group of related individuals under the household definition.
- Allowed an elderly person receiving "meals-on-wheels" to be considered a household for FSP purposes.
- Added "meals-on-wheels" organizations to definition of retail food store.
- Added Guam, Puerto Rico, and the Virgin Islands to the definition of "State" under the FSP.
- Added the definition of "elderly person" to mean a person sixty years of age or over who is not a resident of an institution or boarding house, and who is living alone, or with spouse, whether or not he has cooking facilities in his home.
- Added the definition of "authorization to purchase card" to mean any document issued by the State agency to an eligible household which shows the face value of the coupon allotment of the household is entitled to be issued on presentation of such document and the amount to be paid by such household for such allotment.
- Substituted "the State agency" in place of "an appropriate State agency", "an opportunity to obtain" in place of "an opportunity more nearly to obtain", and "value than the charge to be paid for such allotment by eligible households." in place of "value than their normal expenditures for food." in Section 4(a) of the 1964 Act.
- Amended disaster provision of 1964 Act to prohibit distribution of federally donated foods to households under the authority of any other law except: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such period of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a FSP; or (3) on request of the State agency. Households may not simultaneously participate in both the FSP and receive federally donated foods.
- Permitted the FSP participation of households that are victims of a disaster.
- Provided that the Secretary, in consultation with the Secretary of HEW, establish uniform national standards of eligibility for participation by households in the FSP. Standards to prescribe the amounts of household income and other financial resources, including both liquid and non-liquid assets, to be used as criteria of eligibility.
- Provided that any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any FSP during the tax period such dependency is claimed and for a period of one year after expiration of such tax period.
- Provided that the Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available.
- Provided that the Secretary establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico, Guam, and the Virgin Islands. These standards of eligibility were not to exceed those in the fifty States.
- Prohibited participation by households which included an able-bodied adult person between the ages of 18 and 65 (except mothers or other members of the household who have the responsibility of care of dependent children or of incapacitated adults, bona fide students in any accredited school or training program, or persons employed and working at least 30 hours per week) who either (a) fails to register for employment at a State or Federal employment office, or (b) has refused to accept employment or public work at not less than (i) the applicable State minimum wage, (ii) the applicable Federal minimum wage, (iii) the applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations, or (iv) \$1.30 per hour if there is no applicable wage as described in (i), (ii), or (iii) above. Refusal to work at a plant or site subject to a strike or a lockout not to be deemed to be a refusal to accept employment.

- Face value of coupon allotment issued to certified households to be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the DOL.
- Provided that charge for coupon allotment shall be no more than 30% of the household's income.
- Provided that coupon allotments may be issued without charge to households with income of less than \$30 per month for a family of four.
- Provided that the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued to them. Charge for such allotment to be prorated based on amount received as compared to full amount which would have been received.
- PA applicants for FSP benefits to be certified for eligibility solely by execution of an affidavit by the member of such household making application.
- Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the FSP is operating, remain valid for participation in the FSP for a period of 60 days from the date of such removal.
- Added requirement that State agencies undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the FSP and insure participation of eligible households.
- Provided for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency.
- Entitled any household participating in the FSP, if it elected to do so, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household was entitled to receive under any federally aided PA program and have its coupon allotment distributed to it with such grant or payment.
- Allowed members of an eligible household who are sixty years of age or over or an elderly person and his spouse to use coupons to purchase meals prepared for and delivered to them by a public or by a private nonprofit organization which: (1) is not receiving federally donated foods from the U.S. Dept. of Agriculture for use in the preparation of such meals; (2) is operated in a manner consistent with the purposes of the FSP; and (3) is recognized as a tax exempt organization by the IRS. Household members or elderly persons to whom meals are delivered are unable to adequately prepare all of their meals.
- Added altering of coupons or authorization to purchase cards to list of offenses punishable under the FSA. Added unauthorized transfer, acquisition, alteration or possession of authorization to purchase cards as punishable offenses under the FSP (1964 act had only provided punishment for offenses involving coupons).
- PA recipients filing affidavit for FSP certification shall not be charged with a violation of the FSA or any other Act, or regulation, or of any State plan of operation based on any statements or information contained in the affidavit, except for fraud.
- Authorized the Secretary to pay to each State agency an amount equal to 6 1/2% of the sum of (1) the salary travel, and travel-related cost of personnel for such time as they are employed in outreach activities and in making certification determinations for NA households; (2) the direct salary, travel, and travel-related costs of fair hearing officials.
- Authorized \$1.75 billion for FY 1971, and "such sums as Congress may appropriate" for FYs 1972 and 1973.